

1 A. I am going to back up just a little bit
2 because they've already given the commands to get out
3 of the car.

4 (Video played.)

5 BY MS. ASKEW:

6 Q. Just tell me.

7 A. I stopped it.

8 Q. Who is that that gets out? The first
9 person.

10 A. That is Trooper Layton on the left side.

11 Q. Trooper Layton is on the left side?

12 A. Because he was driving.

13 MR. BROWN: Can you-all talk about the --

14 BY MS. ASKEW:

15 Q. What is the mark?

16 A. 4:47.

17 Q. And the person that gets out with his gun
18 drawn at that time, that is Trooper Layton?

19 A. Yes, that you can see now.

20 Q. Go ahead.

21 A. So you heard him say -- somebody said,
22 "Get out of the car now." I suspect that may have been
23 Trooper Bone, but you'll hear --

24 Q. But you don't know who that was. You're
25 saying you suspect.

1 (Video played and stopped.)
2 THE DEPONENT: So, there were three
3 commands.
4 BY MS. ASKEW:
5 Q. "Get out of the car now."
6 A. "Get out of the car now."
7 Q. All three of those were, "Get out of the
8 car now"?
9 A. Very clear. Very easy to hear.
10 Q. Okay. Go on.
11 A. So now we're starting to transition.
12 Trooper Layton is now going to start giving commands.
13 Q. Wait, wait. Is that Bone or is that
14 Layton that you're speaking of?
15 A. That is Layton. You're going to hear him
16 starting to give commands now.
17 Q. Wait a minute. I'm confused. You're
18 saying -- let's back it up. Okay. The first person we
19 see on this video that comes out -- is that the person
20 that is drawing the gun -- is he giving the commands?
21 Is that what you're saying?
22 A. Before I let it play out, what are you
23 going to want me to point out, ma'am?
24 Q. The person that came out of the car --
25 that we first see in this video -- is that Layton or

1 Bone?

2 A. That is Layton.

3 Q. And are you saying that Layton is not
4 giving that command, but Bone is?

5 A. It sounds like Bone is giving the
6 commands of, "Get out of the car now."

7 Q. So, Layton is approaching the car, but
8 Bone is giving the instruction? Is that what you're
9 saying?

10 A. Yes. They're going to transition.

11 MR. BROWN: Objection. Form.

12 BY MS. ASKEW:

13 Q. I just want to make sure I'm clear. Go
14 ahead.

15 (Video played.)

16 THE DEPONENT: Layton to the left.

17 BY MS. ASKEW:

18 Q. Okay.

19 A. Bone to the right, not yet in the frame,
20 but I see his flashlight.

21 MR. BROWN: For the record, can you-all
22 tell us where you are on the video for each time you
23 guys stop it.

24 (Video stopped.)

25 THE DEPONENT: Yes, sir. So, at 4:46,

1 Trooper Layton is beginning to enter the left side of
2 the frame with his gun drawn. Trooper Bone's
3 flashlight can be seen in the right side of the frame.
4 Trooper Bone is not yet in the frame. Trooper Bone is
5 giving commands to get out of the car now.

6 BY MS. ASKEW:

7 Q. And at that point, Layton isn't saying
8 anything?

9 A. Not yet.

10 Q. Okay. Go ahead.

11 (Video played and was stopped.)

12 BY MS. ASKEW:

13 Q. Who is saying, "Show me your hands"?

14 A. So I stopped it at 4:51. Trooper Layton
15 is wearing the microphone. You can hear that he takes
16 over the commands of, "Show me your hands."

17 Q. Okay. Go ahead.

18 A. How long do you want me to let it play?

19 Q. I want you to pinpoint -- and you can do
20 the markers -- but pinpoint the clear commands that you
21 say are clear.

22 A. So we've had, so far, three, "Get out
23 of" --

24 Q. "Show me your hands." The other one was,
25 what? Did somebody say, "Get out of the car"?

1 A. We've had three, "Get out of the car
2 now." There were three of those, and there's one, two,
3 three in a row. I've paused it at 4:51 right after
4 Trooper Layton says, "Show me hands. Do it now."

5 (Video played.)

6 THE DEPONENT: Trooper Layton said, "Put
7 your hands up."

8 BY MS. ASKEW:

9 Q. And when does Bone say, "Hey, get him"?

10 A. Not yet. But this is at 4:54. Trooper
11 Layton just said to put your hands up.

12 Are you ready to play?

13 Q. Yes.

14 (Video played.)

15 THE DEPONENT: At 4:55, there was a brief
16 exchange. Bone said, "Hey, get him." Layton said, "I
17 got you." So that just took place.

18 BY MS. ASKEW:

19 Q. Okay. Can you see where they're
20 located -- where Bone and Layton are in the video?

21 A. Yes.

22 Q. If you want to describe --

23 A. So, at 4:55, Trooper Layton appears to be
24 just off of the left shoulder, slightly forward of 90
25 degrees off from the diver's side. Trooper Bone is off